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Of Attorneys for Defendant Noe Daniel Macias-Frausto

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,)
) NO. CR 11-30-MO
Plaintiff, **)**
) AFFIDAVIT IN SUPPORT
v. **) OF MOTION FOR SET OVER**
) OF TRIAL DATE
NOE DANIEL MACIAS-FRAUSTO,)
)
)
Defendant. **)**
)

STATE OF OREGON)
) **ss.**
County of Multnomah **)**

I, John S. Ransom, being first duly sworn, depose and say:

1. I have been appointed pursuant to the Criminal Justice Act to represent the defendant, Noe Daniel Macias-Frausto.

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2. Defendant is charged in a single-count indictment with possession with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine in violation of Title 21, U.S.C. §§ 841(a)(1) and 841(b)(1)(B). There is also a forfeiture count.

3. I have just recently been appointed to represent Mr. Macias-Frausto and need additional time to meet with him and discuss his options. I additionally need time to meet with Assistant United States Attorney Scott Kerin. The facts do not appear complex but there is an involvement of a GPS which needs examination. I met with Mr. Macias-Frausto on one occasion but communication is difficult since he is lodged at Sheridan. I suggest the matter will be settled without trial.

4. Mr. Macias-Frausto has been advised of his rights to a speedy trial under the statute and the Constitution both by myself and his prior attorney, Benjamin T. Andersen. He has waived those rights to me in person and Mr. Andersen. He has previously been afforded continuances which reflect his waivers.

5. Counsel agrees that this constitutes delay which is excluded pursuant to Title 18, U.S.C. § 3161(h)(7)(A).

6. Assistant United States Attorney Scott Kerin has no objection to the allowance of this motion.

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7. This motion is not made for purposes of delay but, rather, to ensure Mr. Macias-Frausto's rights pursuant to the Sixth Amendment to the United States Constitution.

/s/ JOHN S. RANSOM
JOHN S. RANSOM

SUBSCRIBED and sworn to before me this 28th day of February, 2012.

/s/ PATRICIA H. GASSNER
Notary Public in and for the State of Oregon
My Commission expires: 3/3/2013

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing AFFIDAVIT OF JOHN S. RANSOM IN SUPPORT OF MOTION FOR SET OVER OF TRIAL DATE on the following attorney by electronic case filing a full and correct copy thereof on the 28th day of February, 2012.

Scott M. Kerin
Assistant United States Attorney
United States Attorney's Office
Suite 600
1000 S.W. Third Avenue
Portland, OR 97204-2902

RANSOM BLACKMAN LLP

/s/ JOHN S. RANSOM
JOHN S. RANSOM
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Of Attorneys for Defendant
Noe Daniel Macias-Frausto

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